

1:12 MJ 3071

STATE OF OHIO                     )  
  ) SS:  
COUNTY OF CUYAHOGA)

**UNITED STATES POSTAL INSPECTION SERVICE**

I, BRYON J. GREEN, DO HEREBY DEPOSE AND SAY:

I am a United States Postal Inspector and have been so employed since October 2006, presently assigned at Cleveland, Ohio to investigate Prohibited Mailing offenses. I have received training in the detection and investigation of prohibited mailing offenses. I have worked U.S. Postal Service related investigations for approximately 5 years, during which time I have been the case agent for investigations leading to prosecution in U. S. District Court, as well as state courts.

Your affiant has learned through training and experience that drug dealers use cellular phone text messaging, also known as Short Message Service (SMS) or Multimedia Message Service (MMS), to communicate. Your affiant has learned through experience that drug traffickers, who send narcotics through the U.S. Postal Service, often text message recipient addresses and parcel tracking numbers.

On July 18, 2011, while conducting parcel interdiction at the Cleveland, OH General Mail Facility, your affiant identified One U. S. Postal Service Express Mail parcel bearing label no. EG968946953US addressed to Javes Kutsukas, 63 Lafayette St. apt 6, San Francisco CA 94103 with a return address of Elias Karaboutis, 1897 E 120 st. Cleveland, OH 44106.

On July 20, 2011, your affiant obtained and executed Federal Search Warrant no. 1:11MJ2097 resulting in the recovery of \$17,400 U.S. Currency concealed in two plastic bags and then wrapped in cellophane/carbon copy paper.

On August 29, 2011, while conducting parcel interdiction at the Cleveland, OH General Mail Facility, your affiant identified U. S. Postal Service Express Mail parcel bearing label no. EG313448175US addressed to James Koutsoukos, 63 Lafayette st Apt. #6, San Francisco CA 94103 bearing a return address of Elias Karaboutis, 2215 Edgehill Rd., Cleveland, OH 44106.

On August 31, 2011, your affiant obtained and executed federal search warrant no. 1:11 MJ 9132 resulting in the recovery of \$20,600 U.S. Currency concealed in a brown box, wrapped in cellophane/carbon copy paper.

On September 14, 2011, your affiant identified U.S. Postal Service Express Mail parcels bearing label no. EG178754620US, EG066980060US, and EG178759542US all addressed to James Kutsukos, 63 Lafayette St. Apt. #6, San Francisco CA 94103 bearing return address of Elias Karaboutis, 2215 Edgehill Rd., Cleveland, OH 44106. Your affiant also identified U.S. Postal Service Express Mail parcels bearing label no. EG066980060US addressed to

James Kutsukos, 63 Lafayette St. Apt. #6, San Francisco CA 94103 bearing return address of LR, 122 Ramsey Ave. Chambersburg, PA 17201.

On September 21, 2011, Postal Inspectors in San Francisco, California obtained and executed a federal search warrant on U.S. Postal Service Express Mail parcel bearing label no. EG178754620US resulting in the recovery of \$800 U.S. Currency, Express Mail parcel label no. EG178759556US resulting in the recovery of \$1000 U.S. Currency, Express Mail parcel label no. EG178759542US resulting in the recovery of \$1000 U.S. Currency, and Express Mail parcel label no. EG066980060US resulting in the recovery of \$3100 U.S. Currency.

On September 27, 2011, Elias Karaboutis submitted an online insurance claim for \$5,000 with the U.S. Postal Service regarding Express Mail parcel no. EG178759556US which contained \$1,000. According to the claim submitted, Elias Karaboutis stated he was the mailer of Express Mail parcel no. EG178759556US and it contained a Baseball Card valued at \$5,000 which had not been delivered. Prior to submitting the claim, Elias Karaboutis agreed to the customer certification which stated *"I hereby certify that all information furnished on this form is accurate, truthful, and complete. I understand that anyone who furnishes false or misleading information on this form, whether by including it or omitting it, may be subject to criminal and/or civil penalties, including fines and imprisonment."*

Further investigation revealed that Elias Karaboutis lives at 2215 Edgehill Rd., Cleveland, OH 44106 and James Kutsukos lives at 63 Lafayette St Apt. #6, San Francisco, CA 94103. Your affiant conducted a criminal history inquiry of James Kutsukos which identified previous arrests for possession/purchase for sale narcotics, cocaine sell/possession, and marijuana possession.

On October 15, 2011, your affiant was contacted by Postal Management regarding Express Mail parcel #EI032905250US addressed to John Billings, 2215 Edgehill Rd. Cleveland, OH 44106 with a return address of A1 Photography 1111 Harrison St. SF, CA 94103 which was scheduled for delivery that day. Your affiant obtained and executed a Federal Search Warrant no. 1:11MJ4097 resulting in the recovery of approximately two pounds of high grade marijuana wrapped in two food saver bags.

On October 15, 2011, Cleveland Police obtained a Cuyahoga County anticipatory search warrant for 2215 Edgehill Rd. Cleveland, OH 44106 pending the successful delivery of Express Mail parcel #EI032905250US and Express Mail parcel #EI032905250US entering the house.

On October 15, 2011, a controlled delivery of Express Mail parcel #EI032905250US was conducted which was accepted by Elias Karaboutis. Elias Karaboutis accepted the parcel by stating John Billings lived at 2215 Edgehill Rd., signed Postal Service form 3849 as John Billings, and then proceeded to take the parcel back into the 2<sup>nd</sup> floor unit of 2215 Edgehill Rd. Approximately one hour, after the controlled delivery, Postal Inspectors and Cleveland Police Officers executed the anticipatory search. Upon initial contact, Elias Karaboutis stated to your affiant that he lived alone at 2215 Edgehill Rd. and John Billings,

the name on the parcel, was fictitious. Elias Karaboutis requested his attorney be present prior to additional questions regarding the Express parcel and items seized inside his residence.

On October 21, 2011, Elias Karaboutis, represented by his attorney George J. Argie, was interviewed by your affiant and Postal Inspector M. Cernelich at the U.S. Postal Inspection Service-Cleveland Field Office. Elias Karaboutis stated Express Mail parcel #EI032905250US containing approximately two pounds of marijuana was sent by either Armond Joseph or James Kutsukos. Elias Karaboutis stated Armond Joseph and James Karaboutis are cousins and live together at 63 Lafayette St. #6, San Francisco CA 94103. Elias Karaboutis stated the Express Mail parcel bearing label no. EG968946953US containing \$17,400 and Express Mail parcel bearing label no. EG313448175US containing \$20,600 were marijuana sales proceeds and the intended recipient was James Kutsukos. Elias Karaboutis stated he began receiving Postal Service parcels containing marijuana in early 2011 from James Kutsukos and Armond Joseph. Elias Karaboutis stated he received approximately five packages from James Kutsukos which contained marijuana. Elias Karaboutis stated James Kutsukos would mail the marijuana and Elias Karaboutis would then sell the marijuana in mostly increments of pounds. Elias Karaboutis stated he would then mail the marijuana proceeds, U.S. Currency wrapped in carbon paper as directed by James Kutsukos, to James Kutsukos in San Francisco, California. Elias Karaboutis stated he still owes approximately \$40,000 to James Karaboutis for marijuana. Elias Karaboutis stated in late summer of 2011, when the money he mailed to James Kutsukos did not arrive, Elias Karaboutis went to San Francisco, California at the request of James Kutsukos to discuss the marijuana proceeds mailings which never arrived. Elias Karaboutis stated he was inside 63 Lafayette st Apt. #6, San Francisco CA 94103 with Armond Joseph and James Kutsukos and observed several pounds of marijuana. According to Elias Karaboutis, during his visit with James Kutsukos in late summer of 2011, James Kutsukos stated he has been mailing U.S. Postal Service parcels containing marijuana for the past 10 years to Florida, New York, Pennsylvania, Michigan, Texas, and Ohio.

On November 1, 2011, Elias Karaboutis, represented by his attorney George J. Argie, was interviewed by your affiant and Postal Inspector F. Pihoker at the U.S. Postal Inspection Service-Cleveland Field Office. Elias Karaboutis stated his primary way of communication with James Kutsukos was through Skype on his iPad tablet computer and cellular telephone phone text messages. Skype is an internet based video conferencing program. Elias Karaboutis stated cellular phone number (415-879-5339) belonged to James Kutsukos and was the number he used to communicate with Kutsukos via text message. Elias Karaboutis stated he has communicated with James Kutsukos via text messages since the marijuana mailings began in early 2011. Your affiant personally observed text messages on Elias Karaboutis' cellular telephone, number 248-935-3355, from phone number 415-879-5339 to Elias Karaboutis which described the currency seizures from packages by the U.S. Postal Service and demanded money be sent by Karaboutis. Elias Karaboutis stated that these text messages were about the seized marijuana proceeds and about marijuana proceeds owed by Karaboutis to Kutsukos. Elias Karaboutis provided copies of the text messages sent by Kutsukos from 415-879-5339 to him that were viewed by your affiant.

Your affiant has obtained and reviewed Express Mail parcel labels for outgoing and incoming Express Mail parcels from the post offices in San Francisco used for the parcels received and mailed by Elias Karaboutis. This review shows numerous parcels being mailed to Elias Karaboutis' addresses in Cleveland, Ohio. The first parcel identified was mailed on April 14, 2011. Between April 14, 2011, and October 13, 2011, approximately 15 parcels were mailed to Elias Karaboutis' addresses in Cleveland, Ohio. During an interview of Elias Karaboutis on April 2, 2012, Karaboutis stated that each of those packages mailed to him contained marijuana.

The following chart contains the content of the text messages provided by Karaboutis, including the date and time of the text as viewed on the screen:

<b>Date</b>	<b>Time</b>	<b>Sending Number</b>	<b>Content</b>
October 20, 2011	10:23 am	248-935-3355 (Karaboutis)	My bad man crazy swamped with midterms this week. Last one is tm morning. Will work everyone out after. Everything
October 20, 2011	8:18 pm	415-879-5339 (Kutsukos)	Shit just hit rock bottom for me. I swear to god im now 70k in debt. I know your dealing with school but please understand I really need help.
October 21, 2011	7:45 pm	415-879-5339 (Kutsukos)	???
October 21, 2011	7:45 pm	248-935-3355 (Karaboutis)	Will have out on Monday
October 23, 2011	11:40 pm	415-879-5339 (Kutsukos)	You need to send out by tomorrow
October 24, 2011	2:05 pm	415-879-5339 (Kutsukos)	What the fuck
October 25, 2011	6:50 pm	415-879-5339 (Kutsukos)	Dude wtf
October 26, 2011	1:48 pm	415-879-5339 (Kutsukos)	Whats your fucking problem? You know im in a sitation and your still ignoring me? Ive been more than niice to you always man
October 26, 2011	3:08 pm	415-879-5339 (Kutsukos)	Yo call me man go some interesting news
October 27, 2011	4:49 pm	248-935-3355 (Karaboutis)	Shits fucked up dude My dudes are fucking with me I can have half out by Monday at the earliest.
October 27, 2011	5:25 pm	415-879-5339	Expect a visit from the

		(Kutsukos)	post inspector dude. They seized the packages .... They wernt stolen
October 27, 2011	5:25 pm	248-935-3355 (Karaboutis)	What? When
October 27, 2011	5:25 pm	415-879-5339 (Kutsukos)	You heard me. I got assest forfeiture documents for all the packages we lost. Post inspector was seizing them because u didn't pack it carefully  They may pay you a visit and question you.
October 27, 2011	5:25 pm	248-935-3355 (Karaboutis)	Dude I packed them the same everytime.
October 27, 2011	5:25 pm	415-879-5339 (Kutsukos)	Ill look at the envelope to see when they sent it when im home
October 27, 2011	5:25 pm	248-935-3355 (Karaboutis)	Kk  Dude this is fucked
October 27, 2011	5:25 pm	415-879-5339 (Kutsukos)	This only happened with you in 10 years. Once maybe but not 3 times . just take accountability as im being completely honest and real with you
October 27, 2011	6:28 pm	415-879-5339 (Kutsukos)	Youll be fine. once i hire a lawyer ill instruct you as to what you should say in the event the post inspector comes to ur place
October 29, 2011	3:06 pm	415-879-5339 (Kutsukos)	Hows it looking for monday?
October 29, 2011	3:06 pm	248-935-3355 (Karaboutis)	Half for sure the other half hopefully by the end of the week
October 29, 2011	3:06 pm	415-879-5339 (Kutsukos)	That helps allot. Just make sure you vacuum seal with the carb in a cardboard box and use ups.
October 31, 2011	2:54 am	415-879-5339 (Kutsukos)	Please send out whatever you have in the am. Really need your help man. Really cant stress it enough
October 31, 2011	2:54 am	415-879-5339 (Kutsukos)	1588 yosemite ave san Francisco ca 94124 a.



			Joseph vacuum seal with cardboard and carb
October 31, 2011	12:37 pm	415-879-5339 (Kutsukos)	Hello???????
October 31, 2011	5:11 pm	415-879-5339 (Kutsukos)	Dude ur killin me

Elias Karaboutis explained that these text messages referred to the money that was seized previously by the United States Postal Service and to the money that Karaboutis owed Kutsukos. Karaboutis also explained that Kutsukos was telling him how to package the money and where to send it. Karaboutis explained that the money being discussed by Kutsukos was proceeds of marijuana sales. Your affiant subsequently obtained federal search warrant No. 1:11MJ2141 for text message content from the service provider. A review of these text messages showed that James Kutsukos used text messaging to regularly communicate to others about marijuana transactions, including amounts, types of marijuana, and prices.

In October 2011, Elias Karaboutis and James Kutsukos both received legal mandatory required notices from the U.S. Postal Inspection Service regarding all monies seized and information regarding their right to file "request a pardon of the property by filing a petition with the U.S. Postal Inspection Service" or to "contest the forfeiture by filing a claim in United States District Court".

On November 8, 2011, your affiant was present with Elias Karaboutis during a consensually recoded telephone conversation with James Kutsukos at 415-879-5339. During the telephone conversation, Kames Kutsukos advised Elias Karaboutis to lie to United States Postal Inspectors about the source and purpose of the cash that Elias Karaboutis had mailed to James Kutsukos, which had been seized by Postal Inspectors, in order to conceal from Postal Inspectors that the cash was proceeds from marijuana trafficking. During the same telephone conversation, James Kutsukos suggested to Elias Karaboutis that he could provide him with larger amounts of marijuana, up to 50 pounds at a time, via private freight service instead of the United States Postal Service, if Elias Karaboutis, knew of any buyers for such large amounts.

On November 8, 2011, in the presence of your affiant and at the direction of James Kutsukos, Elias Karaboutis mailed approximately \$3,500 in Postal money orders from Cleveland, Ohio, to Armond Joseph in San Francisco, California, that were represented to be proceeds from the sale of marijuana that had been provided by James Kutsukos and Armond Joseph. This transaction was at the direction of law enforcement officers from the U.S. Postal Inspection Service.

On November 16, 2011, James Kutsukos mailed U.S. Express Mail Parcel no. EI066997860US from San Francisco, California to Elias Karaboutis which your affiant intercepted, obtained federal search warrant no. 1:11MJ3135, resulting in the recovery of approximately one pound, 12 ounces of marijuana. Your affiant identified James Kutsukos as the mailer of U.S. Express Mail Parcel no. EI066997860US through video surveillance.

On November 28, 2011, your affiant was present with Elias Karaboutis during a consensually recoded telephone conversation with James Kutsukos at 917-690-6646. During the recorded telephone conversation, Elias Karaboutis and James Kutsukos discuss a possible shipment of \$7,000 in exchange for two pounds of marijuana. Prior to the recorded call, your affiant was informed by Elias Karaboutis that James Kutsukos wanted to be contacted at different telephone numbers and used different telephone numbers frequently, including a Google Voice number **646-461-1118**.

On February 7, 2012, Elias Karaboutis called James Kutsukos at 415-225-7631 and ordered two pounds of marijuana for \$6,000 U.S. Currency. This call and transaction was at the direction of law enforcement officers from the U.S. Postal Inspection Service and the Federal Bureau of Investigations.

On February 10, 2012, Postal Inspector B. Green interdicted U. S. Postal Service Express Mail parcel label no. EI327482429US addressed to Jenna Fuller, 2215 Edgehill Road, Cleveland, OH 44106 with a return address of Kimbil's Office Supplies, 340 Pine St. SF, CA 94104 and obtained federal search warrant #1:12MJ9012 on the subject parcel resulting in the recovery of approximately 2 pounds 5.8 ounces of marijuana.

On February 13, 2012, Elias Karaboutis was interviewed by Postal Inspector Green and Special Agent Keisel. Elias Karaboutis advised James Kutsukos stated he was owed \$6,800 for the two pounds of marijuana and to send the money to Risk Design, 1538 Yosemite Ave. San Francisco, CA 94103.

On February 13, 2012, Postal Inspector Green and Special Agent Keisel sent \$6,000 worth of Postal Service Money Orders in Express Label #EG661770661US addressed to Risk Design, 1538 Yosemite Ave. San Francisco, CA 94103 with a return address of John Billings, 1897 E. 120 St. Cleveland, OH 44106.

On or about March 22, 2012, Special Agent Keisel was informed by Trans Con Shipping, lease holder of 63 Lafayette St. Apt. #6, San Francisco, CA 94103, that James Kutsukos had sent them a text message from Google Voice phone number **646-461-1118** advising he was moving. This is the same address that had previously been used by Elias Karaboutis to send marijuana proceeds to Kutsukos.

On April 2, 2012, Elias Karaboutis provided Postal Inspector Green text messages from James Kutsukos's Google Inc. Voice phone number **646-461-1118** reminding him he still owed \$800.00 for the two pounds of marijuana James Kutsukos had sent on February 10, 2012.

<b><u>Date</u></b>	<b><u>Sending Number</u></b>	<b><u>Content</u></b>
March 7, 2012	646-461-1118 (Kutsukos)	Cool. Enjoy bro !. U still owe a bal FYI
March 7, 2012	248-935-3355 (Karaboutis)	Word how much is at.
March 8, 2012	646-461-1118 (Kutsukos)	800

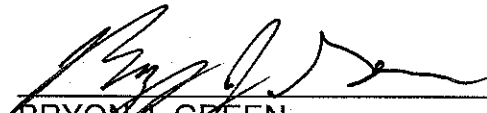
James Kutsukos was indicted by a federal grand jury in the Northern District of Ohio on April 3, 2012, and charged with one count of conspiracy to distribute marijuana and four counts of attempted distribution of marijuana. He was arrested pursuant to the indictment on April 11, 2012, at JFK International Airport in New York returning to the United States from Barcelona, Spain.

Your affiant has reviewed subpoenaed account information received from Google Inc. pertaining to Google Voice telephone number **646-461-1118**. According to the records, James Risk Kutsukos is the subscriber for Google Voice number **646-461-1118** and created the account on April 15, 2011. The text message records were received from Google Inc. for the time period January 1, 2012, through March 4, 2012. These records show that text messages were sent to and from Google Voice number 646-461-1118 almost every day between January 1, 2012, through March 4, 2012.

Your affiant has learned that Google Voice is an internet based telephone communication system that allows users to maintain a consistent Google Voice telephone number which is then set up to forward calls and messages to other telephone numbers designated by the account holder. When an individual sends text messages to a Google Voice telephone number, Google Voice forwards the text messages to the Google Voice account holder's non-Google, designated telephone numbers. Text messages can also be sent from the Google Voice number by the account holder. Text messages may be stored in the Google Voice account, and are accessible through a password protected website. Your affiant also has learned that when individuals call the Google Voice number and leave a voice mail message, that voice mail is converted to a text message and then forwarded to the Google Voice account holder's non-Google designated telephone numbers as a text message. Further, your Affiant has learned that Google Voice text messages remain stored indefinitely on Google, Inc.'s servers unless deleted by the account holder. Google, Inc. is located in Mountain View, California.

Based on the information contained herein, your affiant maintains there is probable cause to believe that James Kutsukos is committing the offenses of conspiracy to distribute marijuana and distribution of marijuana in violation of Title 21, United States Code, Sections 841(a)(1) and 846, that there is probable cause to believe James Kutsukos is using Google Voice telephone number **646-461-1118** to send text messages and facilitate his drug trafficking in violation of Title 21, United States Code, Section 843(b); and that there is probable cause to believe that there is stored at the premises of Google Inc. text messages and text message records further described in Attachment A and Attachment B pertaining to Google Voice telephone number account **646-461-1118** that contain evidence of these offenses.

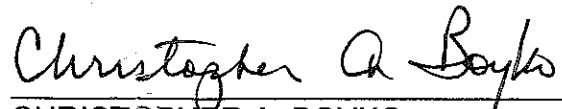




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BRYON J. GREEN  
POSTAL INSPECTOR

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 19<sup>th</sup> DAY OF APRIL, 2012, AT  
CLEVELAND, CUYAHOGA COUNTY, OHIO



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CHRISTOPHER A. BOYKO  
U. S. DISTRICT JUDGE